

REMARKS

Claims 1-12, 16-20, 22-39, 43-47 and 49-54 were previously pending in this application. Claims 1, 3, 6, 9, 10, 27-29, 31, 33, 37 and 52 have been amended. Claims 1 and 29 were amended to recite "chitinous material" and to correct the recitation regarding washing the filter to remove unbound lectin. Support for the former amendment is found in the preamble of the claims as filed; support for the latter amendment is found in the specification, for example in Example 3. Claims 3 and 31 were amended to insert the preferred spelling of "microorganism". Claims 6, 9, 10, 27, 28, 33, 37 and 52 were amended to correct various typographical errors including spelling errors and duplications of terms within claims. No new matter has been added by any of these amendments.

Objection to the Specification

The Examiner objected to the title as not aptly descriptive. Applicant has amended as requested by the Examiner.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 29-39, 43-47 and 49-52 under 35 U.S.C. §102(b) as being anticipated by Tuse (WO 92/17786). Applicant respectfully traverses the rejection.

Applicant traverses the rejection with respect to claims 45, 46, 47 and 49, which depends from claims 17, 19 or 20. These latter claims were indicated by the Examiner to be free of the prior art, because each depends ultimately from claim 1, which recites the use of pectinase. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 45, 46, 47 and 49.

With respect to claims 29-39, 43, 44 and 50-52, Applicants note that Tuse does not teach all of the elements of the claim, particularly contacting a biological sample with a fluorescently labeled lectin that binds chitin in a solution at a pH from about pH 7 to about pH 9. Tuse apparently does not disclose the use of lectins or the pH range as claimed. Tuse discloses the use of a chitin-binding enzyme; on page 4, lines 2-4 Tuse states that "an essential feature of the present invention is that it involves the use of enzymes which specifically bind to chitin." In addition, Tuse distinguishes the prior art use of lectins, stating on page 3, lines 25-26 that the Tuse invention "offers substantial improvements" over methods that use lectins or antibodies to

The Examiner also mentioned that the claims should use the preferred spelling of microorganism. Claims 3 and 31 have been amended to recite the preferred spelling.

Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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